

REMARKS

Amendments to the claims

Original claims 1-4, deemed improper as directed to a "use" are canceled and replaced with the present claims 5-13, directed to a method for treating a spinal cord injury.

Restriction requirement

The Examiner has required election in the present application among:

Group I, claims 1-4, drawn to compounds of formula (I).

Group II, claims 1-4, drawn to a method of preparing compounds of formula (I).

Group III, claims 1-4, drawn to a method of treating spinal cord injury.

For the purpose of examination of the present application, Applicants elect, without traverse, Group III, Claims 1-4 (now replaced by claims 5-13) as directed to a method for treating spinal cord injury.

The Examiner has further required an election of species for initial examination.

Applicants hereby elect the compound of formula (II), namely (R)-ibuprofen methanesulfonamide as a single species. This election is made with the understanding that, should the Examiner find that the elected species is patentable, he will proceed to examine additional species to determine patentability of a generic claim.

Claim 10 "read upon" the elected species, claims 8 and 9 are subgeneric and encompass the elected species. Claims 1-7 and 10-13 are generic.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell, Ph.D., Registration No. 36,623, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: June 26, 2009

Respectfully submitted,

By Mark J. Nuell
Mark J. Nuell
Registration No. 36,623
BIRCH, STEWART, KOLASCH & BIRCH, LLP
12770 High Bluff Drive, Suite 260
San Diego, California 92130
(858) 792-8855
Attorney for Applicant